

proved by the chief judge of the United States court of appeals for the appropriate circuit. Counsel from other agencies in any branch of the Government may be appointed: *Provided*, That in such cases the Secretary of State shall pay counsel directly, or reimburse the employing agency for travel and transportation expenses. Notwithstanding section 3324(a) and (b) of title 31, the Secretary may make advance payments of travel and transportation expenses to counsel appointed under this subsection.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-647, title XXXV, § 3598, Nov. 29, 1990, 104 Stat. 4931.)

AMENDMENTS

1990—Subsec. (a), Pub. L. 101-647 substituted "section 3006A of this title" for "the Criminal Justice Act (18 U.S.C. 3006A)" in par. (1) and for "the Criminal Justice Act (18 U.S.C. 3006(a))" in par. (2).

§ 4114. Return of transferred offenders

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 307—EMPLOYMENT

Sec.

4126. Prison Industries Fund; use and settlement of accounts.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3599A, Nov. 29, 1990, 104 Stat. 4931, substituted "Fund" for "fund" in item 4126.

§ 4121. Federal Prison Industries; board of directors

MANDATORY WORK REQUIREMENT FOR ALL PRISONERS

Pub. L. 101-647, title XXIX, § 2905, Nov. 29, 1990, 104 Stat. 4914, provided that:

"(a) IN GENERAL.—(1) It is the policy of the Federal Government that convicted inmates confined in Federal prisons, jails, and other detention facilities shall work. The type of work in which they will be involved shall be dictated by appropriate security considerations and by the health of the prisoner involved.

"(2) A Federal prisoner may be excused from the requirement to work only as necessitated by—

"(A) security considerations;

"(B) disciplinary action;

"(C) medical certification of disability such as would make it impracticable for prison officials to arrange useful work for the prisoner to perform; or

"(D) a need for the prisoner to work less than a full work schedule in order to participate in literacy training, drug rehabilitation, or similar programs in addition to the work program."

§ 4124. Purchase of prison-made products by Federal departments

(a) The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

(b) Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the Administrator of General Services, and the President, or their representatives. Their decision shall be final and binding upon all parties.

(c) Each Federal department, agency, and institution subject to the requirements of subsection (a) shall separately report to the General Services Administration all of its acquisitions of products and services from Federal Prison Industries, and that reported information shall be entered in the Federal Procurement Data System referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act. Each report published by the Federal Procurement Data System that contains the information collected by the System shall include a statement to accompany the information reported by the department, agency, or institution under the preceding sentence as follows: "Under current law, sales by Federal Prison Industries are considered intragovernmental transfers. The purpose of reporting sales by Federal Prison Industries is to provide a complete overview of acquisitions by the Federal Government during the reporting period."

(d) Within 90 days after the date of the enactment of this subsection, Federal Prison Industries shall publish a catalog of all products and services which it offers for sale. This catalog shall be updated periodically to the extent necessary to ensure that the information in the catalog is complete and accurate.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XXIX, § 2901, 104 Stat. 4912.)

REFERENCES IN TEXT

Section 6(d)(4) of the Office of Federal Procurement Policy Act, referred to in subsec. (c), is classified to section 405(d)(4) of Title 41, Public Contracts.

The date of the enactment of this subsection, referred to in subsec. (d), is the date of enactment of Pub. L. 101-647, which was approved Nov. 29, 1990.

AMENDMENTS

1990—Pub. L. 101-647 designated first and second pars. as subsecs. (a) and (b), respectively, and added subsecs. (c) and (d).

[CHAPTER 311—REPEALED]

[§§ 4201 to 4218. Repealed. Pub. L. 98-473, title II, § 218(a)(5), Oct. 12, 1984, 98 Stat. 2027]

EFFECTIVE DATE OF REPEAL; CHAPTER TO REMAIN IN EFFECT FOR TEN YEARS AFTER NOV. 1, 1987

Section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title, provided that the repeal of this chapter is effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal. Section 235(b)(1)(A) of Pub. L. 98-473 provided that the provisions of this chapter in effect before Nov. 1, 1987, shall remain in effect for five years after Nov. 1, 1987, as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473. Pub. L. 101-650, title III, § 316, Dec. 1, 1990, 104 Stat. 5115, extended the period that this chapter remains in effect after Nov. 1, 1987, from five years to ten years. Prior to repeal, the provisions of this chapter read as follows:

[See main edition for text of § 4201]

§ 4202. Parole Commission created

There is hereby established, as an independent agency in the Department of Justice, a United States Parole Commission which shall be comprised of nine members appointed by the President, by and with the advice and consent of the Senate. The President shall designate from among the Commissioners one to serve as Chairman. The term of office of a Commissioner shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of a Commissioner, the Commissioner shall continue to act until a successor has been appointed and qualified, except that no Commissioner may serve in excess of twelve years. Commissioners shall be compensated at the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332).

(Added Pub. L. 94-233, § 2, Mar. 15, 1976, 90 Stat. 219.)

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

EXTENSION OF TERM OF COMMISSIONER

Section 235(b)(2) of Pub. L. 98-473 provided that notwithstanding the provisions of section 4202 of this title as in effect on the day before Nov. 1, 1987 [set out above], the term of office of a Commissioner who is in office on Nov. 1, 1987, is extended to the end of the five-year period after Nov. 1, 1987. Pub. L. 101-650, title III, § 316, Dec. 1, 1990, 104 Stat. 5115, further extended the term of office of a Commissioner to a ten-year period after Nov. 1, 1987.

[See main edition for text of §§ 4203 to 4218]

CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

[See main edition for text of (a) to (f)]

(g) **RELEASE TO STATE OF CERTAIN OTHER PERSONS.**—If the director of a facility in which a person is hospitalized pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than ten days after certification by the director of the facility.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XXXV, § 3599D, 104 Stat. 4932.)

AMENDMENTS

1990—Subsec. (g). Pub. L. 101-647 substituted "chapter" for "subchapter".

[CHAPTER 314—REPEALED]

[§§ 4251 to 4255. Repealed. Pub. L. 98-473, title II, § 218(a)(6), Oct. 12, 1984, 98 Stat. 2027]

EFFECTIVE DATE OF REPEAL; CHAPTER TO REMAIN IN EFFECT FOR FIVE YEARS AFTER NOV. 1, 1987

Section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title, provided that the repeal of this chapter is effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal. Section 235(b)(1)(C) of Pub. L. 98-473 provided that the provisions of this chapter in effect before Nov. 1, 1987, shall remain in effect for five years after Nov. 1, 1987, as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473. Prior to repeal, the provisions of this chapter read as follows:

[See main edition for text of §§ 4251 to 4254]

§ 4255. Supervision in the community

An offender who has been conditionally released shall be under the jurisdiction of the United States Parole Commission as if on parole, pursuant to chapter 311 of this title.

The Director of the Administrative Office of the United States Courts shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). Such authority includes the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict, or drug-dependent person by eliminating that person's or addict's dependence on alcohol or addicting drugs, or by controlling that person's or addict's dependence and susceptibility to addiction. Such Director may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(Added Pub. L. 89-793, title II, § 201, Nov. 8, 1966, 80 Stat. 1443, and amended Pub. L. 95-537, § 3, Oct. 27, 1978, 92 Stat. 2038; Pub. L. 99-570, § 1861(c), Oct. 27, 1986, 100 Stat. 3207-53; Pub. L. 99-646, § 19, Nov. 10, 1986, 100 Stat. 3596.)

AUTHORIZATION OF APPROPRIATIONS

For authorization of appropriations, see section 4(a) of Pub. L. 95-537, set out as a note under section 3672 of this title.

CHAPTER 315—DISCHARGE AND RELEASE PAYMENTS

§ 4285. Persons released pending further judicial proceedings

Any judge or magistrate of the United States, when ordering a person released under chapter 207 on a condition of his subsequent appearance before that court, any division of that court, or any court of the United States in another judicial district in which criminal proceedings are pending, may, when the interests of justice would be served thereby and the